

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA MARIE SIMEONE, et al.

Plaintiffs,

V.

BOMBARDIER-ROTAX GmbH & Co. KG, et al.,

Defendants.

CIVIL ACTION NO. 02CV4852

**AMENDMENT TO ORDER TO  
CERTIFY FOR APPEAL  
PURSUANT TO 28 U.S.C. § 1292(b)**

This matter having been opened to the Court upon application WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, attorneys for Defendants BRP-Rotax GmbH & Co. KG (hereinafter “Rotax”) and Bombardier Inc. (hereinafter “Bombardier”), for an amendment to this Court’s Order entered on March 9, 2005 to certify for appeal certain rulings set forth in paragraphs 1 through 2 of said Order, and the Court having considered the moving papers and any opposition filed thereto; and for good cause been shown,

IT IS on this            day of            , 2005,

ORDERED that Rotax's and Bombardier's Motion for an amendment to said Order pursuant to 28 U.S.C. § 1292(b) to certify for appeal certain rulings set forth in paragraphs 1 through 2 of said Order, is hereby granted; and is further

ORDERED that the Order, entered on March 9, 2005, is hereby amended to include the following statement in Paragraph 4 thereof:

“In the opinion of the Court, this Order involves a controlling question of law as to which there is a substantial ground for difference of opinion, and an immediate appeal from the order may materially advance the ultimate termination of the litigation.”

FURTHER ORDERED that a copy of this Order be served within      days from the date hereof upon all counsel of record.

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Honorable Berle M. Schiller, U.S.D.J.